

**Draft response to Chris Koster's January 8 letter to Karl, CMS# R7-14-000-3542-RA
VERISON 4 [by Karl on 1.16.14]**

Dear Attorney General Koster:

Your letter of January 8, 2014, gives me the opportunity to reaffirm the Environmental Protection Agency's commitment to addressing as promptly as possible the conditions you described at the Bridgeton and West Lake Landfills. We agree the State of Missouri and the EPA should keep each other well informed, and that our agencies' commitment to protecting public health and the environment require frequently sharing updates with the public. The information below serves both goals.

EPA has been fully engaged in overseeing the work that Republic Services is performing to locate the subsurface isolation barrier. Region 7 staff have been at the site during all field work and this agency continues to review and comment on workplans. EPA and the State have understood that a prerequisite to constructing an isolation barrier is to test the soils to identify its appropriate location. Gas cone penetrometer testing (GCPT) performed by Republic Services indicated radiological contamination in areas not previously identified. This finding requires further testing, which is consistent with the Missouri Department of Natural Resources' July 24, 2013, letter to Republic. MDNR specified that "no portion of the isolation barrier required to be installed in Part 2 of the Plan may be implemented until an evaluation of the barrier's final location is approved by the department and the U.S. Environmental Protection Agency." That letter further states: "To determine the presence or absence of any radiologically impacted material within the proposed excavation lines, the plan must incorporate sufficient sampling/monitoring to ensure identification of such radiologically impacted material and must include a waste characterization component, i.e. types of waste present and quantities." EPA is committed to collecting the necessary information to make these determinations. EPA will continue to require Republic to accelerate its work schedule as long as this agency obtains the required information.

EPA appreciates the public interest in a schedule for completing the comprehensive radiological survey and constructing the isolation barrier. However, a definitive schedule for these events cannot be provided until EPA, with State participation, resolves these issues: sampling for undiscovered radiological contamination; the specific barrier technology to be used; and its specific alignment along the edge of the North Quarry Landfill cell. Setting an arbitrary schedule and attempting to force the isolation barrier project to adhere to that schedule in the face of these uncertainties could compromise the integrity of the information required to install the barrier safely and effectively. I assure you, as I regularly do the public and their elected representatives, that this agency will continue to do its work at West Lake as promptly and prudently as possible.

Your January 8 letter asked the EPA to make public its contingency plan “in the event that the construction of the isolation barrier becomes infeasible.” Installation of the subsurface barrier is itself the contingency plan required by your Order with Republic Services. The Missouri Department of Natural Resources’ September 18, 2013, comments to EPA on the draft “North Quarry Contingency Plan – Part 2” noted: “The intent of this comment was to state that regardless of the results of the GCPT investigation, a location for the isolation barrier must be chosen that separates Operable Unit 1, Area 1 from the Bridgeton Sanitary Landfill North Quarry.” EPA will continue to oversee work by Republic to find such a location for the isolation barrier.

Your letter makes the important point that Region 7, MDNR and your Office need to keep each other fully informed about this important and complex project. Let me offer another reason for working closely together. Should soil sampling indicate that the isolation barrier location to be chosen includes areas outside Operable Unit 1, Area 1, EPA must cooperate closely with your Office and MDNR to jointly oversee installation of the isolation barrier under the State’s Order with Republic Services.

I appreciate your Office's efforts to protect the health and safety of Missourians concerned about the sub-surface smoldering event at the Bridgeton Landfill, as well as your excellent questions about the EPA's efforts to site and construct an isolation barrier between Bridgeton Landfill and the West Lake Landfill.

Sincerely,

Karl Brooks
Regional Administrator